

April 25, 1975

SENATOR DUIS: I didn't say that sir. What I'm telling . . . may I . . . I will stop asking questions. I wish to explain, maybe you don't understand, gentlemen. In closing a real estate transaction the real estate law says we shall give, within a reasonable length of time and have signed by both the buyer and the seller, a closing statement. That closing statement must have all things in it that pertain to that sale. Included in that will undoubtedly be the abstract bill, even though we are not directly billing the person who the service was rendered for, because that bill would come through and must of necessity show on the closing statement as required by the Real Estate Licensing Act. So what you're saying in effect here is that the real estate broker will become responsible for the charges made by the abstractor. The abstractor is in no way responsible at all. Now I don't understand that kind of business. What I'm trying to say in my amendment is that any abstractor that allows a rebate becomes responsible because he is the originator of the rebate. He's the one that should be responsible, not the third party.

PRESIDENT: Do you care to close argument . . . or no . . . you're the author of the amendment aren't you?

SENATOR DWORAK: Well I can't see, it's hard for me to understand whether it be a realtor or whether it be an abstractor, or whoever it might be, or why a realtor would object to a statement that reflects the true amount of the abstracting fee as charged to the client. That's all we're asking for. That's what the amendment says, 310. I can see nothing wrong with this. I can see nothing in this amendment where the responsibility has shifted from the realtor to the abstractor, or from the abstractor to the realtor. That's not what this amendment says. There's nothing in this amendment that says that. The amendment simply says we want a statement or a bill. It shall be illegal to have a statement or a bill which does not reflect the true amount charged, or charging an amount from which a rebate is to be paid to a person other than the client. I can see nothing wrong with that unless somebody does not want to see the true amount charged. If they don't want to see the true amount charged there is a difference between the amount charged to the client and the amount that was billed by the abstractor. That's all this bill intends to do. If you take that portion out of it then you allow the differential which is what we had now and where we have the abuses now. That's what the bill was originally intended to correct. Now it very clearly states it and very clearly corrects it. If you support the Duis amendment then you're simply saying the true amount shouldn't be shown. I just can't conceive of that. I would hope the Duis amendment be defeated.

PRESIDENT: Are you ready to close on debate on your amendment Senator Duis?